

The Honorable Reed Hundt  
July 21, 1994  
Page Two

to programming to serve non-cabled rural areas. Under the present circumstance, if one of my DIRECTV subscribers also wishes to receive Time Warner/Viacom product, that subscriber must purchase a second subscription to the USSB service. This hinders effective competition, and as a consequence keeps the price of the Time Warner/Viacom channels unnecessarily high. It also increases consumer confusion at the retail level.

Not having access to the Time Warner/Viacom services has also adversely affected my ability to compete against other sources for television in my area. We have had customers who shied away from DIRECTV after learning that HBO/Showtime were not available from us. They don't understand why they can't purchase these programs from their local cooperative.

We believe very strongly that the 1992 Cable Act flatly prohibits any exclusive arrangements that prevent any distributor from gaining access to cable programming to serve rural non-cabled areas. That is why we supported the Tauzin Amendment, embodied in Section 19 of the Act.

We ask the FCC to remedy these problems so that the effective competition requirements of Section 19 become a reality in rural America. I strongly urge you to banish this type of exclusionary arrangements represented by the USSB/Time Warner/Viacom deal.

Thank you for your consideration in this matter.

Sincerely,



C. T. Marhula  
Business Manager

CTM/ks

cc: The Hon. Representative Earl Pomeroy  
The Hon. Senator Byron Dorgan  
The Hon. Senator Kent Conrad  
William F. Caton, Secretary  
The Hon. James H. Quello  
The Hon. Andrew C. Barrett  
The Hon. Susan Ness  
The Hon. Rachelle B. Chong



*One of the Minnesota Power Systems*

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(701) 746-4461 • ND 1-800-732-4373

July 21, 1994

**RECEIVED**

**JUL 27 1994**

**FCC MAIL ROOM**

The Hon. Byron L. Dorgan  
United States Senate  
713 Hart Building  
Washington, D.C. 20510-3405

Dear Senator Dorgan:

I am writing this letter to voice a concern I have regarding the implementation and enforcement of Section 19 of the 1992 Cable Act by the Federal Communications Commission.

As a distributor of DBS satellite television programming, equal access to cable and broadcast programming at fair rates - something which we are not currently receiving - is essential for Nodak/Polar to be competitive in our local marketplace.

The attached letters to FCC Chairman Reed Hundt from myself, in addition to Rep. Billy Tauzin and other members of Congress, spell out my concerns on this issue.

It was my impression that Congress had guaranteed equal access to cable and broadcast programming for all distributors with the passage of the 1992 Cable Act. Despite this fact, however, satellite distributors and consumers continue to be treated unfairly by the cable industry.

Some programmers continue to charge unfairly high rates for satellite distributors compared with cable rates. Other programmers - like Time Warner and Viacom - have simply refused to sell programming to some distributors. These exclusive practices hurt rural consumers and thwart the effective competition required by Section 19 of the Cable Act.

I would greatly appreciate your assistance on behalf of rural consumers in northeastern North Dakota in encouraging the FCC to correct this inequity.

Sincerely,

A handwritten signature in dark ink, appearing to read "C. T. Marhula".

C. T. Marhula  
Business Manager

CTM/ks  
Enclosures

# Nodak

ELECTRIC COOPERATIVE

One of the Minnesota Power Systems

1405 1ST AVENUE NORTH • BOX 13000 • GRAND FORKS, ND 58208-3000

(701) 746-4461 • ND 1-800-732-4373

July 21, 1994

RECEIVED

JUL 27 1994

FCC MAIL ROOM

The Hon. Kent Conrad  
United States Senate  
Hart Office Building, Room 724  
Washington, D.C. 20510-3403

Dear Senator Conrad:

I am writing this letter to voice a concern I have regarding the implementation and enforcement of Section 19 of the 1992 Cable Act by the Federal Communications Commission.

As a distributor of DBS satellite television programming, equal access to cable and broadcast programming at fair rates - something which we are not currently receiving - is essential for Nodak/Polar to be competitive in our local marketplace.

The attached letters to FCC Chairman Reed Hundt from myself, in addition to Rep. Billy Tauzin and other members of Congress, spell out my concerns on this issue.

It was my impression that Congress had guaranteed equal access to cable and broadcast programming for all distributors with the passage of the 1992 Cable Act. Despite this fact, however, satellite distributors and consumers continue to be treated unfairly by the cable industry.

Some programmers continue to charge unfairly high rates for satellite distributors compared with cable rates. Other programmers - like Time Warner and Viacom - have simply refused to sell programming to some distributors. These exclusive practices hurt rural consumers and thwart the effective competition required by Section 19 of the Cable Act.

I would greatly appreciate your assistance on behalf of rural consumers in northeastern North Dakota in encouraging the FCC to correct this inequity.

Sincerely,



C. T. Marhula  
Business Manager

CTM/ks  
Enclosures



*One of the Minnesota Power Systems*

1405 1ST AVENUE NORTH • BOX 13000 • GRAND FORKS, ND 58208-3000

(701) 746-4461 • ND 1-800-732-4373

July 21, 1994

**RECEIVED**

The Hon. Earl Pomeroy  
United States House of Representatives  
318 Cannon Building  
Washington, D.C. 20515

JUL 27 1994

**FCC MAIL ROOM**

Dear Congressman Pomeroy:

I am writing this letter to voice a concern I have regarding the implementation and enforcement of Section 19 of the 1992 Cable Act by the Federal Communications Commission.

As a distributor of DBS satellite television programming, equal access to cable and broadcast programming at fair rates - something which we are not currently receiving - is essential for Nodak/Polar to be competitive in our local marketplace.

The attached letters to FCC Chairman Reed Hundt from myself, in addition to Rep. Billy Tauzin and other members of Congress, spell out my concerns on this issue.

It was my impression that Congress had guaranteed equal access to cable and broadcast programming for all distributors with the passage of the 1992 Cable Act. Despite this fact, however, satellite distributors and consumers continue to be treated unfairly by the cable industry.

Some programmers continue to charge unfairly high rates for satellite distributors compared with cable rates. Other programmers - like Time Warner and Viacom - have simply refused to sell programming to some distributors. These exclusive practices hurt rural consumers and thwart the effective competition required by Section 19 of the Cable Act.

I would greatly appreciate your assistance on behalf of rural consumers in northeastern North Dakota in encouraging the FCC to correct this inequity.

Sincerely,

A handwritten signature in dark ink, appearing to read "C. T. Marhula", is written over a horizontal line.

C. T. Marhula  
Business Manager

CTM/ks  
Enclosures



# North Dakota Association of Rural Electric Cooperatives

P.O. Box 727 • Mandan, ND 58554-0727 • (701) 663-6501 • (800) 234-0518 • FAX (701) 663-3745

July 27, 1994

The Honorable Reed Hundt  
Chairman  
Federal Communications Commission  
1919 M St. NW, Rm. 814  
Washington, DC 20554

Chairman Hundt,

This letter is in support of the Comments of the National Rural Telecommunications Cooperative (NRTC) in the matter of Implementation of Section 19 of the Cable Television Consumer Protection and Competition Act of 1992, Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming, CS Docket No. 94-48.

The North Dakota Association of Rural Electric Cooperatives has as members, twenty distribution electric cooperatives providing power to over 250,000 North Dakotans. Many of those cooperatives are also engaged in the delivery of television programming to rural consumers not served by cable.

The remote rural areas of our state make it impractical for our rural families to be served by cable. Their only alternative is to receive satellite television service.

We thought Congress had ensured access to programming at fair rates through passage of the 1992 Cable Act. However, we find we are still being charged significantly more for cable and broadcast programming than similar sized cable companies in our area.

Why should our rural North Dakotans not enjoy the same access and same prices for their programming that cable companies receive?

We urge you to combat the unfair pricing practices by awarding damages for Program Access violations. We feel that is in accord with the wishes of Congress as set out in the 1992 Cable Act.

If you have any questions, please contact me at the above address.

Sincerely,

Dennis Hill,  
Executive vice president  
and general manager

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AUG 01 1994

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**Northeast**

**RURAL SERVICES, INC.**

Subsidiary of Northeast Oklahoma Electric Cooperative, Inc.

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July 27, 1994

AUG 01 1994

The Honorable Reed Hundt, Chairman  
Federal Communications Commission  
1919 M Street, NW, Rm. 814  
Washington, DC 20554

RE: Cable Competition Report  
DS Docket No. 94-48

DOCKET FILE COPY ORIGINAL

Dear Chairman Hundt:

This letter is to inform you of our support of the National Rural Telecommunications Cooperative's (NRTC) comments in the matter of Implementation of Section 19 of the Cable Television Consumer Protection and Competition Act of 1992, Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming, CS Docket No. 94-48.

Northeast Rural Services, Inc. (NRS), is a member of NRTC and a distributor of both DIRECTV™ direct broadcast satellite (DBS) television service and C-Band satellite programming. NRS provides programming services for most of Northeast Oklahoma, and has been directly involved in bringing satellite television to rural consumers for over 5 years.

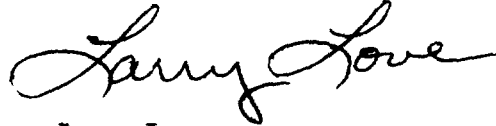
Unfortunately, we are already facing programming access limitations on the new DBS service, as we continue to have with the existing C-Band service. We are frequently asked by potential DBS consumers about the availability of HBO, Cinemax, Showtime and The Movie Channel. It is confusing to the consumer when we tell them we cannot offer these services.

Despite the passage of the 1992 Cable Act, which we believe addressed this rural issue, NRS is still hindered in its ability to compete in the local marketplace because of the lack of access and the higher prices that we are required to pay for programming in comparison to cable rates.

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NRS agrees with NRTC that the FCC should enforce the wishes of Congress as set forth in the 1992 Cable Act, which prohibits any exclusive contract that denies NRTC access to cable programming for rural areas. Also, we are asking that you monitor the programming access and rates issues as mentioned above and impose penalties on those that are in violation of the Cable Act.

Sincerely,

A handwritten signature in cursive script that reads "Larry Love".

Larry Love  
Assistant Manager

cc: William F. Caton, Secretary, FCC  
The Honorable James H Quello, Commissioner, FCC  
The Honorable Rachelle B. Chong, Commissioner, FCC  
The Honorable Andrew C. Barrett, Commissioner, FCC  
The Honorable Susan Ness, Commissioner, FCC  
The Honorable Congressman James M. Inhofe  
The Honorable Congressman Dave McCurdy  
The Honorable Congressman Bill Brewster  
The Honorable Congressman Glenn English  
The Honorable Congressman Ernest J. Istook, Jr.  
The Honorable Congressman Mike Synar  
The Honorable Senator David L. Boren  
The Honorable Senator Don Nickles

**North Star  
Electric Cooperative, Inc.**

BAUDETTE, MN 56623

218-634-2202

LITTLEFORK, MN 56653

218-278-6658

July 21, 1994

The Honorable Reed Hundt, Chairman  
Federal Communications Commission  
1919 M Street NW, RM 814  
Washington DC 20554

RE: Cable Competition Report  
CS Docket No. 94-48

DOCKET FILE COPY ORIGINAL

Dear Chairman Hundt:

I am the General Manager of North Star Electric Cooperative with offices in both Baudette and Littlefork, Minnesota. We serve approximately 5500 members in northern Minnesota. We are a member of NRTC (National Rural Telecommunications Cooperative) and a distributor of DIRECTV, the direct broadcast satellite (DBS) TV service. We are dedicated to bringing this new satellite television service to our rural consumers.

Because of this involvement I am writing to express my support of the comments submitted by NRTC in the matter of implementation of Section 19 of the Cable Television Act of 1992, and the Annual Assessment for the Delivery of Video Programming, CS Docket No. 94-48.

We are concerned with the lack of access to popular cable networks, such as HBO, Showtime, Cinemax, MTV, Nickelodeon and others. The United States Satellite Broadcasting Co. (USSB) has an "exclusive" contract with Time Warner Viacom for distribution of this programming.

We would like to have access to this programming for the benefit of our members. We believe the 1992 Cable Act prohibits arrangements which prevent North Star or other distributors from gaining this programming to serve non-

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JUL 27 1994

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cabled, rural areas. Without this access our members will find it necessary to purchase multiple subscriptions from different companies.

We ask that the FCC remedy this problem by banishing exclusive arrangements such as the one represented by the USSB/Time Warner Viacom deal.

Thank you for your consideration on this important matter.

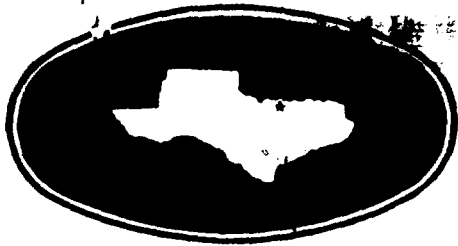
Sincerely,



Harry M. Carls  
General Manager

HMC/ae

cc: William F. Caton, FCC Secretary  
The Honorable James H. Quello, FCC Commissioner  
The Honorable Rachelle B. Chong, FCC Commissioner  
The Honorable Andrew C. Barrett, FCC Commissioner  
The Honorable Susan Ness, FCC Commissioner



# North Texas Communications Company

205 N. Walnut St.  
P.O. Drawer 587  
Muenster, TX 76252

Phones: (817) 759-2251  
(800) 882-8876  
FAX: (817) 759-5557

July 22, 1994

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JUL 28 1994

FCC MAIL ROOM

The Honorable Reed Hundt  
Chairman  
Federal Communications Commission  
1919 M Street, NW Rm. 814  
Washington, DC 20554

RE: Cable Competition Report  
CS Docket No. 94-48

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Dear Chairman Hundt:

I am writing this letter in support of the Comments of the National Rural Telecommunications Cooperative (NRTC) in the matter of Implementation of Section 19 of the Cable Television Consumer Protection and Competition Act of 1992, Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming, CS Docket No. 94-48.

I am a member of NRTC and am participating in the DIRECTV project. The area in which I will be providing this service is very rural and many of the people have no access to cable programming and limited access to off-air broadcasts. Direct Broadcast Satellite service and in particular DIRECTV is the only way many of these people can afford to receive video programming services. My company is dedicated to providing these services to our subscribers at reasonable rates.

However, my ability to compete in my area is impaired by the fact that every other video service provider has access to programming owned by Time Warner and Viacom and I do not. I do not have access to services such as HBO, Showtime, Cinemax, MTV, Nickelodeon and others. They are available to every other video distributor in my area. Primestar, owned by cable companies, has access. Cable Companies have access. Wireless cable has access. USSB has access. C-Band dealers have access. I do not.

The reason I do not have access to these services is because USSB and Time Warner/Viacom, which is affiliated with cable, have signed an "exclusive" distribution contract. Following the intent of the

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1992 Cable Act, DIRECTV has no exclusive programming contracts and all the other video providers are free to obtain distribution rights to programming available on DIRECTV. It was my understanding that the 1992 Cable Act prohibits discriminatory pricing and exclusive distribution contracts. Enforcement of these provisions of the Cable Television Consumer Protection and Competition Act of 1992 would cause the Act to live up to its name of Consumer Protection and Competition.

This situation is harmful to the rural subscriber. If a subscriber wishes to receive a Time Warner/Viacom product, they must purchase a second subscription to the USSB service and receive two bills. This will cause consumer confusion, it impedes competition, and causes the price of Time Warner/Viacom programming to be higher.

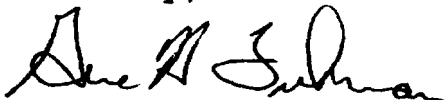
It has already affected my business. The very first customer I activated expressed a desire to purchase all his programming from one distributor. He was very displeased to know that he would have to hassle with two service providers and two bills. The customer has been burdened because of the exclusivity of the contract between USSB and Time Warner/Viacom.

I believe very strongly that the 1992 Cable Act absolutely prohibits any exclusive arrangements that prevent any distributor from gaining access to cable programming to serve rural non-cabled areas. That is why I supported the Tauzin Amendment, embodied in Section 19 of the Cable Act.

I ask that the FCC remedy these problems so that the effective competition requirements of Section 19 become a reality in rural America. For the consumer and my business, I strongly urge you to invalidate the type of exclusionary arrangements represented by the USSB/Time Warner/Viacom deal.

Thank you for your consideration.

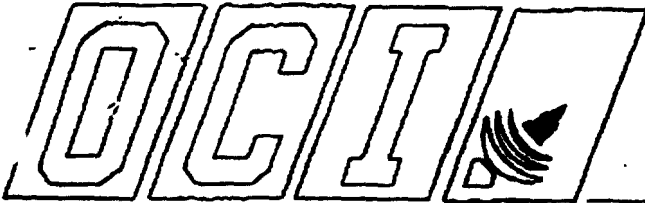
Sincerely,



Gene H. Fuhrman  
Manager of Operations

cc:

The Honorable Representative Ralph Hall  
The Honorable Representative Charles Stenholm  
The Honorable Senator Kay Baily Hutchison  
The Honorable Senator Phil Gramm  
William F. Caton, Secretary  
The Honorable James H. Quello  
The Honorable Andrew C. Barrett  
The Honorable Susan Ness  
The Honorable Rachelle B. Chong



**ocmulgee communications, inc.**

- Member of National Rural Telecommunications Cooperative -

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**DOUGLAS W. BRYANT**  
General Sales Manager

July 27, 1994

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**JUL 29 1994**

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

The Honorable Reed Hundt  
Chairman  
Federal Communications Commission  
1919 M Street, NW, Rm. 814  
Washington, DC 20554

**RE: Cable Competition Report  
CS Docket No. 94-48**

DOCKET FILE COPY ORIGINAL

Dear Chairman Hundt:

I am writing this letter in support of the Comments of the National Rural Telecommunications Cooperative (NRTC) in the matter of Implementation of Section 19 of the Cable Television Consumer Protection and Competition Act of 1992, Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming, CS Docket No. 94-48.

As an affiliate of NRTC and distributor of the DIRECTV direct broadcast satellite (DBS) television service, my company is directly involved in bringing satellite television to rural consumers.

However, despite passage of the 1992 Cable Act, my company's ability to compete in our local marketplace is being hampered by our lack of access to programming owned by Time Warner and Viacom.

This programming, which includes some of the most popular cable networks like HBO, Showtime, Cinemax, The Movie Channel, MTV, Nickelodeon and others, is available only to my principle competitor, the United States Satellite Broadcasting Co. (USSB), as a result of an "exclusive" contract signed between USSB and Time Warner/Viacom.

In contrast, none of the programming distribution contracts signed by DIRECTV are exclusive in nature, and USSB is free to obtain distribution rights for any of the channels available on DIRECTV.

Mr. Hundt, my organization agrees with the NRTC that these exclusive programming contracts run counter to the intent of the 1992 Cable Act. I believe that the Act prohibits any arrangement that prevents any distributor from gaining access to programming to serve non-cable rural areas. Under the present circumstance, if one of my DIRECTV subscribers also wishes to receive Time Warner/Viacom product, that subscriber must purchase a second subscription to the

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USSB service. This hinders effective competition, and as a consequence keeps the price of the Time Warner/Viacom channels unnecessarily high. It also increases consumer confusion at the retail level.

Not having access to the Time Warner/Viacom services has also adversely affected my ability to compete against other sources for television in my area. Many of my customers do not understand why they cannot purchase HBO and Showtime from you. This could very well lead to customers turning down DIRECTV.

We believe very strongly that the 1992 Cable Act flatly prohibits any exclusive arrangements that prevent any distributor from gaining access to cable programming to serve rural non-cabled areas. That is why we supported the Tauzin Amendment, embodied in Section 19 of the Act.

We ask the FCC to remedy these problems so that the effective competition requirements of Section 19 become a reality in rural America. I strongly urge you to banish the type of exclusionary arrangements represented by the USSB/Time Warner/Viacom deal.

Thank you for your consideration in this matter.

Sincerely,



Dr. G.S. Walker

OMEGA CABLE  
P.O. BOX 627  
404 DENVER AVENUE  
SAGUACHE, CO 81149

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The Honorable Reed Hundt  
Chairman  
Federal Communications Commission  
1919 M Street, NW, Rm. 814  
Washington, DC 20554

JUL 29 1994

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Dear, Chairman Hundt:

I am writing this letter in support of the Comments of the National Rural Telecommunications Cooperative (NRTC) in the matter of Implementation of Section 19 of the Cable Television Consumer Protection and Competition Act of 1992, Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming, CS Docket No. 94-48.


As an affiliate of the NRTC and an investor in the DIRECTV project, we are very concerned about the current exclusive distribution agreement USSB has with Time Warner and Viacom. Their exclusive agreement could drastically effect our ability to compete in the rural television distribution marketplace.

One of the major objectives of the 1992 Cable Act was Program Access at fair rates with the banishment of exclusive agreements. Now USSB has signed exclusive agreements with Time Warner and Viacom which prohibit NRTC affiliates and DIRECTV access to such programming. Yet, USSB has access to any of the programming NRTC/DIRECTV offers. Allowing USSB to keep their current exclusive contracts with Time Warner and Viacom, will be "opening the door" for other television distribution services to obtain exclusive programming deals using the USSB case as an example, thus destroying one of the major objectives intended with the acceptance of the 1992 Cable Act.

We need access to these programs to be competitive and have a fair chance against other video distribution services that have access to any and all programs that they wish to sign, such as USSB, Primestar, C-band distributors, Cable TV and other future video services.

Omega Cable is a small, independent cable system serving 200 homes. We have invested a great deal of money in the DIRECTV project, securing our loans with our entire system. Denying NRTC complete program access might severely jeopardize our investment.

Please consider our position in this matter. Thank You.

  
\_\_\_\_\_  
Scott Alexander - General Partner

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# Osage Valley Electric Cooperative

Business Highway 71 North

P.O. Box 151

Butler, Missouri 64730-0151

Phone: 816-679-3131

July 19, 1994

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RECEIVED

JUL 22 1994

FCC MAIL ROOM

The Honorable Reed Hundt, Chairman  
Federal Communications Commission  
1919 M Street, NW, Room 814  
Washington DC 20554

RE: Cable Competition Report  
CS Docket No. 94-48

On behalf of the more than 12,000 members of this Rural Electric Cooperative, and the Cooperative's directors, I am writing this letter in support of the Comments filed by the National Rural Telecommunications Cooperative (NRTC) in the matter of Implementation of Section 19 of the Cable Television Consumer Protection and Competition Act of 1992, Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming, CS Docket No. 94-48.

We are a Rural Electric Cooperative, a member of NRTC, but we do not deliver television programming to our rural customers. Other Rural Electric Cooperatives do provide this service to our customers who live in areas that are sparsely populated and are not served by cable. These customers have little choice except to depend on a satellite to receive television.

These customers need complete access to all TV programming at rates that are comparable to those paid for cable. This would result in comparable service at comparable rates in the rural areas. Why should cable companies in our area receive lower rates for the same programming?

It was our belief that Congress had already solved this problem when they passed the 1992 Cable Act.

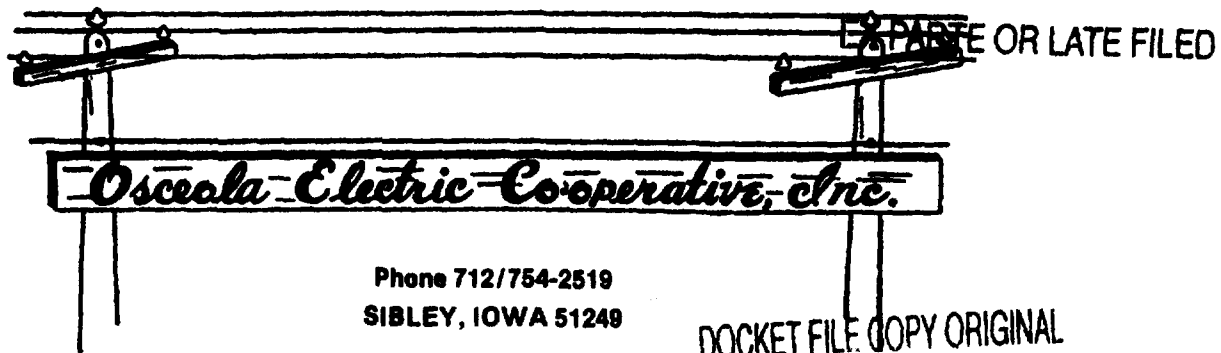
Discriminatory pricing hurts our efforts to promote new people to move to the rural areas of West Central Missouri. Although a new customer has to make a sizable investment in receiving equipment, he will do this if he knows that he will receive programming at a competitive cost.

We agree with NRTC's position that the FCC should act to enforce the wishes of Congress when they passed the 1992 Cable Act.

Darold Wulfekoetter, Manager

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—Serving The Rural Areas Of West Central Missouri —



July 20, 1994

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AUG 2 1994

The Honorable Reed Hundt  
Chairman  
Federal Communications Commission  
1919 M Street, NW, Rm. 814  
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

RE: Cable Competition Report CS Docket No. 94-48

Dear Chairman Hundt:

I am writing this letter in support of the Comments of the National Rural Telecommunications Cooperative (NRTC) regarding Implementation of Section 19 of the Cable Television Consumer Protection & Competition in the Market for Delivery of Video Programming, CS Docket No. 94-48.

As a distributor of the DIRECTV™ direct broadcast satellite (DBS) television service our cooperative is involved in the distribution of satellite television to our rural consumers. Our cooperative's ability to compete in the local marketplace is disabled by our lack of access to programming owned by Time Warner & Viacom despite the passage of the 1992 Cable Act. Programming such as HBO, Showtime, Cinemax, The Movie Channel, MTV, Nickelodeon and others are available only to our competitor, the United States Satellite Broadcasting Co. (USSB), due to a contract signed between USSB and Time Warner/Viacom. Please be aware that the programming distribution contracts by DIRECTV™ are exclusive in nature, and USSB has obtained rights to distribute on any of the channels available.

Mr. Hundt, our cooperative agrees with NRTC that these exclusive programming contracts hinder the intent of the 1992 Cable Act. Our cooperative believes that the Act prohibits any arrangement that prevents any distribution from gaining access to programming to serve non-cabled rural areas. Currently our DIRECTV customer who wishes to subscribe to a Time Warner/Viacom product has to purchase a second subscription to the USSB service. This hinders effective competition and our consumer pays a higher price for Time Warner/Viacom channels. This has also created confusion at the retail level.

At this point in time not having access to Time Warner/Viacom services has affected our ability to compete against other sources for television in our area. Many of our customers wonder why they can't purchase HBO and Showtime from us, or many customers passing up rural TV due to the fact that HBO/Showtime are not available.

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The Honorable Reed Hundt  
Page 2

We strongly believe that the 1992 Cable Act prohibits any exclusive arrangements that prevent any distributor from gaining access to cable programming to serve rural non-cabled areas. Therefore, we support the Tauzin Amendment, embodied in Section 19 of the Act.

We hope the FCC will correct these problems so that the effective competition requirements of Section 19 become a reality in rural America. Please banish the type of arrangements represented by the USSB/Time Warner Viacom deal.

Sincerely,



Leroy Ten Napel, Manager

cc: William F. Caton, Secretary  
The Hon. James H. Quello  
✓ The Hon. Andrew C. Barrett  
The Hon. Susan Ness  
The Hon. Rachelle B. Chong



**OTEC Communication Company**

245 W. Third St. **B.O. BOX 427**  
Ottoville, Ohio 45876  
419-453-3324  
FAX 419-453-2468

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JUL 27 1994

**FCC MAIL ROOM**

July 19, 1994

Honorable Reed Hundt, Chairman  
Federal Communications Commission  
1919 M. St. NW, Rm. 814  
Washington, D.C. 20554

**DOCKET FILE COPY ORIGINAL**

Dear Chairman Hundt,

**DOCKET FILE COPY ORIGINAL**

We support the comments of the National Rural Telecommunications Cooperative (NRTC) in the matter of implementation of Section 19 of the Cable TV Act of 1992, Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming, CS Docket No. 94-48.

We are a cooperative utility and member of NRTC delivering television programming to rural consumers who are largely not served by cable TV. Our customers have little choice other than satellite for receiving television service. It will be as long as 15 or more years before these rural areas will have fiber to their homes so satellite service is needed to do the job now. At this time we are being charged significantly more for programming than large cable companies pay for the same service. This unfair pricing hurts our consumers, a problem which the Cable Act of 1992 was supposed to correct.

We agree with NRTC's position that the FCC should act to enforce the wishes of Congress as put forth in the 1992 Cable Act.

We can talk about the Information Highway all we want but rural folks won't be on it for many years and need affordable Satellite Programming now. We call on you, our FCC Chairman, to monitor and combat the problems we are having with being unable to get programming at a reasonable cost and prohibit abusive practices by rule and by making it clear that damages will be awarded for Program Access violations.

We rural folks need your help!

Sincerely,

Arthur C. Schimmoeller,  
Manager

ACS/ch

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**PANHANDLE TELECOMMUNICATION SYSTEMS, INC.**  
A Wholly Owned Subsidiary of PANHANDLE TELEPHONE COOPERATIVE, INC.

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GARY KENNEDY  
Chief Executive Officer

July 25, 1994

The Honorable Reed Hundt  
Chairman  
Federal Communications Commission  
1919 M Street NW, Room 814  
Washington, DC 20554

AUG 01 1994

DOCKET FILE COPY ORIGINAL

Dear Chairman Hundt:

As a telecommunications company, PTSI is an NRTC member providing television programming to customers in rural Oklahoma. We are writing to support the Comments of the National Rural Telecommunications Cooperative (NRTC) in the matter of Implementation of Section 19 of the Cable Television Consumer Protection and Competition Act of 1992, Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming, CS Docket No. 94-48.

PTSI's consumers live in rural areas where families have little choice other than satellite for their television programming. With our consumers living in rural areas where cable service is not available, it is imperative that we have access to all programming at fair rates, analogous to rates paid by cable. At present, PTSI is being charged a higher rate for cable and broadcast programming than comparatively sized cable companies in our area.

Discriminatory pricing is not only harmful to the service provider, but it also hurts the consumer due to the higher rates they are forced to pay. Why should cable companies in our area receive programming at lower rates than PTSI?

It was PTSI's understanding that the discriminatory pricing issue had been resolved with the passage of the 1992 Cable Act. PTSI supports NRTC's position that the FCC should act to enforce the objectives of Congress as provided in the 1992 Cable Act.

Chairman Hundt, we urge you to oversee efforts to correct the problems created by discriminatory pricing in the cable and broadcast programming industry with the enforcement of rules and by making it clear that damages will be awarded for Program Access violations.

Very truly yours,

Gary Kennedy  
Chief Executive Officer

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GK:ch

Suite 454  
5 Radnor Corporate Center  
100 Matsonford Road  
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(610) 341-1801  
(610) 341-1835 Fax

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July 26, 1994

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JUL 29 1994

FCC MAIL ROOM

The Honorable Reed Hundt  
Chairman  
Federal Communications Commission  
1919 M Street, NW  
Room 814  
Washington, DC 20554

RE: Cable Competition Report  
CS Docket No. 94-48

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Dear Chairman Hundt:

I am writing this letter in support of the Comments of the National Rural Telecommunications Cooperative (NRTC) in the matter of Implementation of Section 19 of the Cable Television Consumer Protection and Competition Act of 1992, Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming, CS Docket No. 94-48.

As a rural cable television provider, affiliate of the NRTC and provider/distributor of DIRECTV™ direct broadcast satellite (DBS) television service, my company is directly involved in bringing satellite television to rural consumers.

However, despite passage of the 1992 Cable Act, my company's ability to compete in our local DBS marketplace is being hampered by our lack of access to programming owned by Time Warner and Viacom.

This programming, which includes some of the most popular cable networks such as HBO, Showtime, Cinemax, The Movie Channel, MTV, Nickelodeon and others is available to my principal competitors, United States Satellite Broadcasting Company (USSB) and Primestar. It is not available to Pegasus (or DIRECTV™) as a result of an "exclusive" contract signed between USSB and Time Warner/Viacom.

In contrast, none of the programming distribution contracts signed by DIRECTV™ are exclusive in nature, and USSB is free to obtain distribution rights for any of the channels available on DIRECTV™.

Mr. Hundt, my organization agrees with the NRTC that these exclusive programming contracts run counter to the intent of the 1992 Cable Act. I believe that the Act prohibits any arrangement that prevents any distributor from gaining access to

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programming to serve non-cabled rural areas. Under the present circumstance, if one of my DIRECTV™ subscribers also wishes to receive Time Warner/Viacom product, that subscriber must purchase a second subscription to the USSB service. This hinders effective competition, and as a consequence keeps the price of the Time Warner/Viacom channels unnecessarily high. It also increases consumer confusion at the retail level.

Not having access to the Time Warner/Viacom services has also adversely affected my ability to compete against other sources for television in my area.

We believe very strongly that the 1992 Cable Act flatly prohibits any exclusive arrangements that prevent any distributor from gaining access to cable programming to serve rural non-cabled areas. That is why we supported the Tauzin Amendment, embodied in Section 19 of the Act.

We ask the FCC to remedy these problems so that the effective competition requirements of Section 19 become a reality in rural America. I strongly urge you to banish the type of exclusionary arrangements represented by the USSB/Time Warner/Viacom deal.

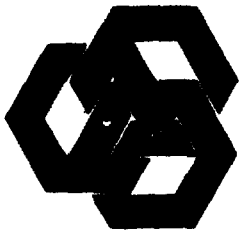
Thank you for your consideration in this matter.

Sincerely,



Marshall W. Pagon  
President, CEO

cc: **William F. Caton, Secretary**  
The Hon. James H. Quello  
The Hon. Andrew C. Barrett  
The Hon. Susan Ness  
The Hon. Rachelle B. Chong



# PENASCO TELECOM SYSTEMS

*A Subsidiary of Penasco Valley Telephone Cooperative, Inc.*

Cellular Telephones/Access • Paging  
2-Way Radio • Mobile Telephone  
Business Telephone Systems  
Direct Broadcast Satellite TV

July 28, 1994

The Honorable Reed Hundt  
Chairman  
Federal Communications Commission  
1919 M St., NW, Rm. 814  
Washington, DC 20554

Dear Chairman Hundt:

I am writing this letter in support of the Comments of the National Rural Telecommunications Cooperative (NRTC) in the matter of Implementation of Section 19 of the Cable Television Consumer Protection and Competition Act of 1992, Annual Assessment of the Status Competition in the Market for the Delivery of Video Programming, CS Docket No. 94-48.

Penasco Telecom Systems, Inc. is a wholly owned subsidiary of Penasco Valley Telephone Cooperative, Inc. As a Rural Telephone member of NRTC and feeling a need to provide another needed service to rural consumers, Penasco Telecom System invested in the Direct Broadcast Satellite Television Service (DBS) to distribute DIRECTV™ programming to our rural consumers.

However, despite passage of the 1992 Cable Act, Penasco Telecom Systems' ability to compete in our local marketplace is being hampered by our lack of access to programming owned by Time Warner and Viacom.

This programming, which includes some of the most popular cable networks like HBO, Showtime, Cinemax, The Movie Channel, MTV, Nickelodeon and others, is available only to my principal competitor, the United States Satellite Broadcasting Co. (USSB), as a result of an "exclusive" contract signed between USSB and Time Warner/Viacom.

In contrast, none of the programming distribution contracts signed by DIRECTV™ are exclusive in nature, and USSB is free to obtain distribution rights for any of the channels available on DIRECTV™.

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Chairman Hundt  
Page -2-  
July 28, 1994

Mr. Hundt, our organization agrees with the NRTC that these exclusive programming contracts run counter to the intent of the 1992 Cable Act. We believe that the Act prohibits any arrangement that prevents any distributor from gaining access to programming to serve non cabled rural areas. Under the present circumstance, if one of our DIRECTV<sup>™</sup> subscribers also wishes to receive Time Warner/Viacom product, that subscriber must purchase a second subscription to the USSB service. This hinders effective competition, and as a consequence keeps the price of the Time Warner/Viacom channels unnecessarily high. It also increases consumer confusion at the retail level.

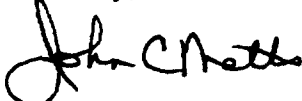
Not having access to the Time Warner/Viacom services has also adversely affected our ability to compete against other sources for television in my area. TCI, Post-Newsweek Cable, and other cable competitors in the area are able to offer more complete programming packages because they have access to programming which we are currently restricted from, at least at comparable costs. Consumers do not understand why they cannot get certain programming from us, and go elsewhere. This situation does not enhance competition.

We believe very strongly that the 1992 Cable Act flatly prohibits any exclusive arrangements that prevent any distributor from gaining access to cable programming to serve rural non-cabled areas. That is why we supported the Tauzin Amendment embodied in Section 19 of the Act.

We ask FCC to remedy these problems so that the effective competition requirements of Section 19 become a reality in rural America. We strongly urge you to banish the type of exclusionary arrangements represented by the USSB/Time Warner/Viacom deal.

Thank you for your consideration in this matter.

Sincerely,



John C. Metts  
Executive Vice President/General Manager

JCM:hcs

cc:

The Honorable Representative Bill Richardson  
The Honorable Representative Joe Skeen  
The Honorable Representative Steve Schiff  
The Honorable Senator Pete Domenici  
The Honorable Senator Jeff Bingaman  
William F. Caton, Secretary  
The Honorable James H. Quello  
The Honorable Andrew C. Barrett  
The Honorable Susan Ness  
The Honorable Rachelle B. Chong

# PIONEER ELECTRIC COOPERATIVE

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July 26, 1994

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Honorable Reed Hundt, Chairman  
Federal Communications Commission  
1919 M Street, NW, Room 814  
Washington, DC 20554

RECEIVED

JUL 28 1994

FCC MAIL ROOM

Dear Chairman Hundt:

As President of the National Rural Telecommunications Cooperative (NRTC) and General Manager of an electric cooperative which is the largest distributor of C-Band subscriptions in the State of Alabama, I feel compelled to write you regarding the implementation of Section 19 of the Cable Television Consumer Protection and Competition Act of 1992 (Cable Act). I completely support the comments of the NRTC regarding the above act, and request that the FCC take action along the guidelines set out therein.

It was our understanding that the Cable Act was going to assure fair pricing and access to all providers of television programming, whether cable, C-Band, KU-Band, or DBS. Presently, we have not reaped the benefits of significant price reductions, and do not have access to major programming (e.g., Time Warner and Viacom) through DirecTV, our DBS affiliate. It appears that the above stated problems are either in violation of the Cable Act, or have slipped in through unintended loop-holes, which are violations of the spirit of the law.

Since we have not enjoyed reduced pricing, and are not allowed to have access to the Time Warner and Viacom Programming, our customers, being mainly rural and poor, are being denied competitive pricing, one of the benefits of free-trade and competition, insured by the Cable Act.

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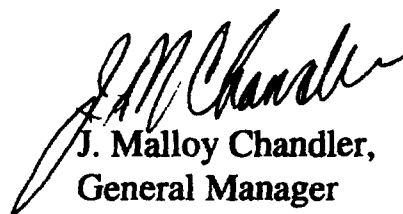
*Cliff*



Honorable Reed Hundt, Chairman  
Federal Communications Commission  
Page 2  
July 26, 1994

We urge the FCC to enforce the wishes of Congress as put forth in the 1992 Cable Act and appreciate all efforts on behalf of you and the FCC toward that end.

Sincerely,



J. Malloy Chandler,  
General Manager

JMC/CP:km

cc: Mr. William F. Caton, Secretary (FCC)  
Hon. James H. Quello, Commissioner (FCC)  
Hon. Rachelle B. Chong, Commissioner (FCC)  
Hon. Andrew C. Barrett, Commissioner (FCC)  
Hon. Susan Ness, Commissioner (FCC)